

United States District Court

for the
Western District of New York

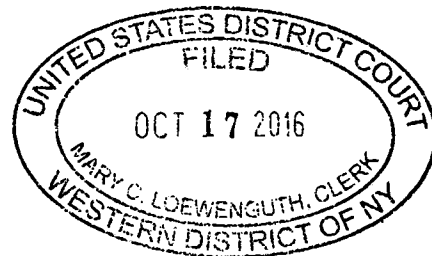
United States of America

v.

Case No. 16-M- 142

ARACELI LOPEZ-MARTINEZ

Defendant



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 18, 2014, in the Western District of New York, the defendant, ARACELI LOPEZ-MARTINEZ, violated Title 8, United States Code, Section 1326(a) [re-entry after deportation or removal] in that the defendant, an alien who had previously been deported or removed from the United States, knowingly and voluntarily re-entered the United States and was found to be present in the United States, without first obtaining the express consent from the Attorney General of the United States or from the Secretary of Homeland Security to reapply for admission to the United States.

This Criminal Complaint is based on these facts:


☒ Continued on the attached sheet.


Complainant's signature

PATRICIA CALLERI, Special Agent HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: October 17, 2016


Judge's signature

City and State: Buffalo, New York

H. KENNETH SCHROEDER, JR
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

PATRICIA CALLERI, being duly sworn, deposes and says that:

1. I have been a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI") since October 2008. During my employment with HSI, I have participated in numerous investigations and/or criminal prosecutions concerning human trafficking, forced labor, harboring of unauthorized aliens and the hiring or recruitment of unauthorized aliens.
2. As a part of my duties during my employment with HSI, I investigate violations of the Immigration and Nationality Act ("INA") and violations of the United States Code, in particular, Title 8 of the United States Code, Sections 1325 and 1326 regarding the illegal entry of aliens and the illegal re-entry of previously deported or removed aliens.
3. This affidavit is based upon my own knowledge, my review of official records of the former Immigration and Naturalization Service and current ICE and upon

information that I obtained from other law enforcement officers involved with this investigation.

4. I make this affidavit in support of the annexed Criminal Complaint charging ARACELI LOPEZ-MARTIEZ ("LOPEZ") with a violation of Title 8, United States Code, Section 1326(a), regarding the reentry of a previously deported or removed alien.

5. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only facts that I believe are necessary to establish probable cause to demonstrate that LOPEZ has violated Title 8, United States Code, Section 1326(a).

6. HSI received information on or about August 7, 2014, indicating that ELIEL SANCHEZ-OCAMPO, a citizen and national of Mexico and a previously deported alien, had re-entered the United States illegally and was residing in 468 Delaware Ave, Apt 301, Buffalo, NY. On September 18, 2014, ICE Enforcement and Removal Operations, conducted surveillance at 468 Delaware Avenue in Buffalo New York. ICE agents encountered ELIEL SANCHEZ-OCAMPO and LOPEZ in the parking lot behind 468 Delaware Avenue, near the corner of Delaware Avenue and Virginia Street in Buffalo, New York. ICE agents identified themselves as ICE agents and conducted a consensual encounter with ELIEL SANCHEZ-OCAMPO and LOPEZ. Both individuals admitted to ICE agents that they were citizens and nationals of Mexico, illegally present in the United

States. ARIEL SANCHEZ-OCAMPO and LOPEZ were placed under arrest and transported to the Buffalo Field Office for further processing and investigations.

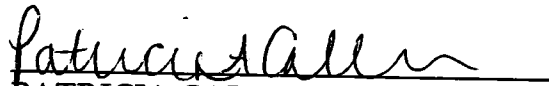
7. A complete set of fingerprints were electronically captured from LOPEZ and were submitted to the Federal Bureau of Investigation, Identification Division, in Clarksburg, West Virginia, via the Integrated Automated Fingerprint Identification System. This set of fingerprints produced a positive biometric match with an Alien Registration Number (XXX-XXX-417) and an FBI number (XXXXXXX-705472AE6) relating to LOPEZ, a native and citizen of Mexico.

8. A review of the documents contained in the Alien Registration File ("A-File") for LOPEZ revealed the following:

- a. On or about July 16, 2014, the United States Border Patrol arrested ARACELI LOPEZ-MARTIEZ, in the Texas Rio Grande Valley Border Patrol Sector and administratively charged her with being an alien illegally present in the United States.
- b. On or about July 16,, 2014 ARACELI LOPEZ-MARTIEZ was ordered removed from the United States to Mexico via an Expedited Order of Removal under Section 235(b)(1) of the INA.
- c. On or about July 17, 2014, ARACELI LOPEZ-MARTIEZ was physically removed from the United States to Mexico. ARACELI LOPEZ-MARTIEZ was provided with Immigration Form (I-296), advising her that she would be in violation of Title 8, United States Code, Section 1326, if she entered, attempted to enter, or were to be found in the United States without the permission of the United States Attorney General, or his Successor, the Secretary of Homeland Security.

9. Based on the above referenced immigration record checks, LOPEZ has no valid immigration status in the United States and is illegally present. In addition, there is no evidence of any authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, for LOPEZ to have re-entered the United States after his last removal.

WHEREFORE, it is respectfully submitted that probable cause exists to believe that ARACELI LOPEZ-MARTIEZ did commit the offense of re-entry after deportation or removal, in violation of Title 8, United States Code, Section 1326(a), in that she, a citizen and native of Mexico, having been ordered removed from the United States on or about July 16, 2014, and having been physically removed from the United States on July 17, 2014, was thereafter found present in the Western District of New York on September 18, 2014, without prior authorization or approval from the Attorney General of the United States or the Secretary of the Department of Homeland Security.


PATRICIA CALLERI
Special Agent
Homeland Security Investigations

Sworn to before me this 17th

day of October, 2016.


H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE